

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ECHOTA C. WOLFCLAN, on behalf of
himself and other similarly situated
individuals,

Plaintiffs,

vs.

PIERCE COUNTY, et al.,

Defendants.

NO. 23-cv-5399-TSZ-SKV

PIERCE COUNTY DEFENDANTS'
ANSWER TO PLAINTIFFS' FIRST
AMENDED CLASS ACTION COMPLAINT

JURY DEMAND

I. ANSWER

COME NOW the Defendants, Pierce County, by and through their attorneys of record, Mary E. Robnett, Pierce County Prosecuting Attorney, and Frank A. Cornelius, Deputy Prosecuting Attorney, and make the following Answer to Plaintiffs' First Amended Class Action Complaint. These answering Defendants deny each and every allegation of Plaintiffs' Complaint not specifically admitted to herein.

1. In answer to the allegations in paragraph 1 of Plaintiff's Amended Complaint, these answering Defendants state that the allegations are argumentative and false. As to all remaining allegations, Defendants deny the same.

2. In answer to the allegations in paragraph 2 of Plaintiff's Amended Complaint, these

answering Defendants deny the same.

3. In answer to the allegations in paragraph 3 of Plaintiff's Amended Complaint, these answering Defendants state that the allegations are argumentative and call for a legal conclusion. As to the remaining allegations, denied.

4. In answer to the allegations in paragraphs 4 and 5 of Plaintiff's Amended Complaint, these answering Defendants deny the same.

JURISDICTION AND VENUE

5. In answer to the allegations in paragraphs 6 - 8 of Plaintiff's Amended Complaint, these answering Defendants admit jurisdiction and venue. Defendants deny that cost and attorneys' fees are subject to 42 U.S.C. §1988. This matter falls under the Prison Litigation Reform Act (PLRA) and all relief, including but not limited potential costs and attorneys' fees, are subject to the PLRA.

PARTIES

6. In answer to the allegations in paragraph 9 of Plaintiff's Amended Complaint, these answering Defendants admit that Plaintiff was formerly known as Justin Allen Davey, and that he was a pretrial detainee at the Pierce County jail from April 8, 2023, to August 15, 2023. Defendants are without sufficient information to admit or deny the remaining allegations, and therefore, deny the same.

7. In answer to the allegations in paragraph 10 of Plaintiff's Amended Complaint, these answering Defendants state that Pierce County Council is not a legal entity and is not a proper defendant to this action. See *Nolan v. Snohomish Co.*, 59, Wn. App. 876, 802 P.2d 792 (1990). Defendants admit that Pierce County is a political subdivision. To the extent that further answer is required, Defendants deny the same.

8. In answer to the allegations in paragraphs 11-15 of Plaintiff's Amended Complaint, and

1 as to individually named defendants, these answering Defendants admit they are Pierce
2 County employees. To the extent that further answer is required, Defendants deny the
3 same.

4 **LEGAL BACKGROUND**

5 9. In answer to the allegations in paragraphs 16 - 22 of Plaintiff's Amended Complaint,
6 these answering Defendants state that the allegations are argumentative and call for a
7 legal conclusion. As to the remaining allegations, denied.

8 **FACTUAL ALLEGATIONS**

9 10. In answer to the allegations in paragraph 23 of Plaintiff's Amended Complaint, these
10 answering Defendants admit that Plaintiff was a pretrial detainee at the Pierce County jail
11 in April 2023. Defendants further answer that the allegations are argumentative.
12 Defendants are without sufficient information to admit or deny the remaining allegations,
13 and therefore, deny the same.

14 11. In answer to the allegations in paragraph 24 of Plaintiff's Amended Complaint, these
15 answering Defendants state that the allegations are argumentative. Defendants are
16 without sufficient information to admit or deny the remaining allegations, and therefore,
17 deny the same.

18 12. In answer to the allegations in paragraph 25 of Plaintiff's Amended Complaint, these
19 answering Defendants state that the allegations are argumentative. Defendants are
20 without sufficient information to admit or deny the remaining allegations, and therefore,
21 deny the same.

22 13. In answer to the allegations in paragraph 26 of Plaintiff's Amended Complaint, these
23 answering Defendants state that the allegations are argumentative. Defendants are
24 without sufficient information to admit or deny the remaining allegations, and therefore,

1 deny the same.

2 14. In answer to the allegations in paragraph 27 of Plaintiff's Amended Complaint, these
3 answering Defendants state that the allegations are argumentative. Defendants are
4 without sufficient information to admit or deny the remaining allegations, and therefore,
5 deny the same.

6 15. In answer to the allegations in paragraph 28 of Plaintiff's Amended Complaint, these
7 answering Defendants state that the allegations are argumentative. Defendants are
8 without sufficient information to admit or deny the remaining allegations, and therefore,
9 deny the same.

10 16. In answer to the allegations in paragraph 29 of Plaintiff's Amended Complaint, these
11 answering Defendants state that the allegations are argumentative. Defendants are
12 without sufficient information to admit or deny the remaining allegations, and therefore,
13 deny the same.

14 17. In answer to the allegations in paragraph 30 of Plaintiff's Amended Complaint, these
15 answering Defendants state that the allegations are argumentative. Defendants are
16 without sufficient information to admit or deny the remaining allegations, and therefore,
17 deny the same.

18 18. In answer to the allegations in paragraph 31 of Plaintiff's Amended Complaint, these
19 answering Defendants state that the allegations are argumentative. Defendants are
20 without sufficient information to admit or deny the remaining allegations, and therefore,
21 deny the same.

22 19. In answer to the allegations in paragraph 32 of Plaintiff's Amended Complaint, these
23 answering Defendants deny the same.

24 20. In answer to the allegations in paragraph 33 of Plaintiff's Amended Complaint, these

1 answering Defendants state they are without sufficient information to admit or deny the
2 remaining allegations, and therefore, deny the same.

3 21. In answer to the allegations in paragraph 34 of Plaintiff's Amended Complaint, these
4 answering Defendants state that the allegations are argumentative. Defendants deny the
5 same.

6 22. In answer to the allegations in paragraph 35 of Plaintiff's Amended Complaint, these
7 answering deny the same.

8 23. In answer to the allegations in paragraph 36 of Plaintiff's Amended Complaint, these
9 answering Defendants state that the allegations are argumentative. Defendants are
10 without sufficient information to admit or deny the remaining allegations, and therefore,
11 deny the same.

12 24. In answer to the allegations in paragraph 37 of Plaintiff's Amended Complaint, these
13 answering Defendants state they are without sufficient information to admit or deny the
14 remaining allegations, and therefore, deny the same.

15 25. In answer to the allegations in paragraph 38 of Plaintiff's Amended Complaint, these
16 answering Defendants state that the allegations are argumentative. Defendants are
17 without sufficient information to admit or deny the remaining allegations, and therefore,
18 deny the same.

19 26. In answer to the allegations in paragraph 39 of Plaintiff's Amended Complaint, these
20 answering Defendants state that the allegations are argumentative. Defendants are
21 without sufficient information to admit or deny the remaining allegations, and therefore,
22 deny the same.

23 27. In answer to the allegations in paragraph 40 of Plaintiff's Amended Complaint, these
24 answering Defendants state that the allegations are argumentative. Defendants deny the

1 same.

2 28. In answer to the allegations in paragraph 41 of Plaintiff's Amended Complaint, these
3 answering Defendants state that the allegations are argumentative and require expert
4 opinion. Defendants are without sufficient information to admit or deny the remaining
5 allegations, and therefore, deny the same.

6 29. In answer to the allegations in paragraph 42 of Plaintiff's Amended Complaint, these
7 answering Defendants state that the allegations are argumentative and require medical
8 and/or other expert opinion. Defendants are without sufficient information to admit or
9 deny the remaining allegations, and therefore, deny the same.

10 30. In answer to the allegations in paragraph 43 of Plaintiff's Amended Complaint, these
11 answering Defendants state they are without sufficient information to admit or deny the
12 remaining allegations, and therefore, deny the same.

13 31. In answer to the allegations in paragraph 44 of Plaintiff's Amended Complaint, these
14 answering Defendants deny the same.

15 32. In answer to the allegations in paragraph 45 of Plaintiff's Amended Complaint, these
16 answering Defendants state that the allegations are argumentative. Defendants are
17 without sufficient information to admit or deny the remaining allegations, and therefore,
18 deny the same.

19 33. In answer to the allegations in paragraph 46 of Plaintiff's Amended Complaint, these
20 answering Defendants deny the same.

21 34. In answer to the allegations in paragraph 47 of Plaintiff's Amended Complaint, these
22 answering Defendants state they are without sufficient information to admit or deny the
23 remaining allegations, and therefore, deny the same.

24 35. In answer to the allegations in paragraph 48 of Plaintiff's Amended Complaint, these

1 answering Defendants state that the allegations are argumentative and false. As to all
2 remaining allegations, Defendants deny the same.

3 36. In answer to the allegations in paragraph 49 of Plaintiff's Amended Complaint, these
4 answering Defendants state that the allegations are argumentative and false. Defendants
5 are without sufficient information to admit or deny the remaining allegations, and
6 therefore, deny the same.

7 37. In answer to the allegations in paragraph 50 of Plaintiff's Amended Complaint, these
8 answering Defendants are without sufficient information to admit or deny the remaining
9 allegations, and therefore, deny the same.

10 38. In answer to the allegations in paragraph 51 of Plaintiff's Amended Complaint, these
11 answering Defendants state that the allegations are argumentative and false.
12 As to all remaining allegations, Defendants deny the same.

13 39. In answer to the allegations in paragraph 52 of Plaintiff's Amended Complaint, these
14 answering Defendants state that the allegations are argumentative and false. Defendants
15 are without sufficient information to admit or deny the remaining allegations, and
16 therefore, deny the same.

17 40. In answer to the allegations in paragraph 53 of Plaintiff's Amended Complaint, these
18 answering Defendants state that the allegations are argumentative and false. As to all
19 remaining allegations, Defendants deny the same.

20 41. In answer to the allegations in paragraph 54 of Plaintiff's Amended Complaint, these
21 answering Defendants state that the allegations are argumentative. Defendants are
22 without sufficient information to admit or deny the remaining allegations, and therefore,
23 deny the same.

24 42. In answer to the allegations in paragraph 55 of Plaintiff's Amended Complaint, these

1 answering Defendants are without sufficient information to admit or deny the allegations,
2 and therefore, deny the same.

3 43. In answer to the allegations in paragraph 56 of Plaintiff's Amended Complaint, these
4 answering Defendants state they are without sufficient information to admit or deny the
5 remaining allegations, and therefore, deny the same.

6 44. In answer to the allegations in paragraph 57 of Plaintiff's Amended Complaint, these
7 answering Defendants state that the allegations are not relevant, argumentative, and false.
8 As to all remaining allegations, Defendants deny the same.

9 45. In answer to the allegations in paragraph 58 of Plaintiff's Amended Complaint, these
10 answering Defendants state that the allegations are hearsay, not relevant, argumentative,
11 and false. As to remaining allegations, Defendants deny the same.

12 46. In answer to the allegations in paragraph 59 of Plaintiff's Amended Complaint, these
13 answering Defendants state that the allegations are argumentative. To the extent that
14 Plaintiff cites prior pleadings, Defendants deny all allegations. As to any remaining
15 allegations, Defendants deny the same.

16 47. In answer to the allegations in paragraph 60 of Plaintiff's Amended Complaint, these
17 answering Defendants state that the allegations are argumentative and false. Defendants
18 deny the same.

19 48. In answer to the allegations in paragraph 61 of Plaintiff's Amended Complaint, these
20 answering Defendants state that the allegations are argumentative. Defendants are
21 without sufficient information to admit or deny the remaining allegations, and therefore,
22 deny the same.

23 49. In answer to the allegations in paragraph 62 of Plaintiff's Amended Complaint, these
24 answering Defendants state that the allegations are argumentative. Defendants deny the

1 same.

2 50. In answer to the allegations in paragraph 63 of Plaintiff's Amended Complaint, these
3 answering Defendants state that the allegations are argumentative and require medical
4 and/or other expert opinion. Defendants are without sufficient information to admit or
5 deny the remaining allegations, and therefore, deny the same.

6 51. In answer to the allegations in paragraph 64 of Plaintiff's Amended Complaint, these
7 answering Defendants state that the allegations are argumentative and require medical
8 and/or other expert opinion. Defendants are without sufficient information to admit or
9 deny the remaining allegations, and therefore, deny the same.

10 52. In answer to the allegations in paragraph 65 of Plaintiff's Amended Complaint, these
11 answering Defendants state that the allegations are argumentative. As to all remaining
12 allegations, Defendants deny the same.

13 53. In answer to the allegations in paragraph 66 of Plaintiff's Amended Complaint, these
14 answering Defendants state that the allegations are argumentative. Defendants are
15 without sufficient information to admit or deny the remaining allegations, and therefore,
16 deny the same.

17 54. In answer to the allegations in paragraph 67 of Plaintiff's Amended Complaint, these
18 answering Defendants state that the allegations are argumentative and require medical
19 and/or other expert opinion. Defendants are without sufficient information to admit or
20 deny the remaining allegations, and therefore, deny the same.

21 55. In answer to the allegations in paragraph 68 of Plaintiff's Amended Complaint, these
22 answering Defendants admit that Plaintiff was a pretrial detainee incarcerated in the
23 Pierce County jail from April 4, 2023, until August 2023. As to all remaining
24 allegations, Defendants are without sufficient information to admit or deny the

1 allegations, and therefore, deny the same.

2 56. In answer to the allegations in paragraph 69 of Plaintiff's Amended Complaint, these
3 answering Defendants state that the allegations are argumentative, call for a legal
4 conclusion, and require medical and/or other expert opinion. Defendants are without
5 sufficient information to admit or deny the remaining allegations, and therefore, deny the
6 same.

7 57. In answer to the allegations in paragraph 70 of Plaintiff's Amended Complaint, these
8 answering Defendants state that the allegations are argumentative, call for a legal
9 conclusion, and require medical and/or other expert opinion. Defendants are without
10 sufficient information to admit or deny the remaining allegations, and therefore, deny the
11 same.

12 58. In answer to the allegations in paragraph 71 of Plaintiff's Amended Complaint, these
13 answering Defendants state that the allegations are argumentative. Defendants are
14 without sufficient information to admit or deny the remaining allegations, and therefore,
15 deny the same.

16 59. In answer to the allegations in paragraph 72 of Plaintiff's Amended Complaint, these
17 answering Defendants state that the allegations are argumentative, call for a legal
18 conclusion, and require medical and/or other expert opinion. Defendants are without
19 sufficient information to admit or deny the remaining allegations, and therefore, deny the
20 same.

21 60. In answer to the allegations in paragraph 73 of Plaintiff's Amended Complaint, these
22 answering Defendants deny the same.

23 61. In answer to the allegations in paragraph 74 of Plaintiff's Amended Complaint, these
24 answering Defendants deny the same.

62. In answer to the allegations in paragraph 75 of Plaintiff's Amended Complaint, these answering Defendants state that the allegations are argumentative. Defendants are without sufficient information to admit or deny the remaining allegations, and therefore, deny the same.

63. In answer to the allegations in paragraph 76 of Plaintiff's Amended Complaint, these answering Defendants deny the same.

64. In answer to the allegations in paragraph 77 of Plaintiff's Amended Complaint, these answering Defendants deny the same.

65. In answer to the allegations in paragraph 78 of Plaintiff's Amended Complaint, these answering Defendants state they are without sufficient information to admit or deny the remaining allegations, and therefore, deny the same.

66. In answer to the allegations in paragraph 79 of Plaintiff's Amended Complaint, these answering Defendants deny the same.

67. In answer to the allegations in paragraph 80 of Plaintiff's Amended Complaint, these answering Defendants state they are without sufficient information to admit or deny the remaining allegations, and therefore, deny the same.

CLAIMS FOR RELIEF

COUNT I

68. In answer to the allegations in paragraph 81 of Plaintiff's Amended Complaint, these answering Defendants restate and incorporate by reference their responses to the foregoing paragraphs.

69. In answer to the allegations in paragraph 82 of Plaintiff's Amended Complaint, these answering Defendants deny the same.

70. In answer to the allegations in paragraph 83 of Plaintiff's Amended Complaint, these

1 **II. AFFIRMATIVE AND OTHER DEFENSES**

2 **FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES, AND**
3 **ALL OTHER MATTERS OF AVOIDANCE, DEFENDANTS PIERE COUNTY ALLEGE**
4 **AS FOLLOWS:**

- 5 1. FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES: The Plaintiff has failed
6 to exhaust administrative remedies and the action will not lie.
- 7 2. FAILURE TO STATE A CLAIM: The Plaintiff has failed to state a claim upon
8 which relief may be granted.
- 9 3. FRIVOLOUS AND/OR MALICIOUS CLAIM: Printed words including but not
10 limited to false allegations, history that surrounds filing, and tone of allegations show
11 maliciousness.
- 12 4. NO NOTICE OF DEFECT: Defendant Pierce County had no reasonable notice of the
13 defect alleged herein.
- 14 5. NO CLAIM FILING AS REQUIRED BY RCW 4.96.020: The Plaintiff has failed to
15 file a claim against Defendant Pierce County as required by RCW 4.96.020.
- 16 6. NO PERSONAL FAULT: No violation(s) of constitutional rights by personal actions
17 of individual defendants.
- 18 7. QUALIFIED IMMUNITY: Defendants are entitled to qualified immunity as to both
19 state and federal claims.
- 20 8. REASONABLE CARE: Defendants' actions were reasonable, and they did not act
21 with deliberate indifference.
- 22 9. DISCRETIONARY IMMUNITY: Defendant(s) state that all actions of Defendants
23 alleged as negligence, manifests a reasonable exercise of judgment and discretion by
24 authorized public officials made in the exercise of governmental authority entrusted

1 to them and are neither tortious nor actionable.

2 10. GOOD FAITH: Defendants at all times acted in good faith in the performance of their
3 duties and is therefore immune from suit for the matters charged in Plaintiff's
4 Complaint.

5 11. NEGLIGENCE/INTENTIONAL ACT OF THIRD PARTY OR PARTIES:

6 Defendants state that any alleged damages and/or injuries, if any, claimed by the
7 Plaintiff were proximately caused or contributed to by the negligence and/or
8 intentional conduct of another/others, including but not limited to other inmates, and
9 not from any act or omission by Defendants.

10 12. COMPARATIVE FAULT: Plaintiff's alleged injuries and damages, if any, were
11 proximately caused or contributed to by the fault of Plaintiff.

12 13. COLLUSION: Plaintiff's claims are based on a conspiracy to deceive.

13 14. INTERVENING/SUPERSEDING CAUSE: Defendants state that Plaintiff's claims
14 were caused or made worse by an intervening, supervening and/or superseding event
15 or events.

16 15. FAILURE TO MITIGATE: Defendant states that if Plaintiff suffered any injury or
17 damages, recovery is barred or mitigated by Plaintiff's failure to mitigate damages.

18 **III. PRAYER FOR RELIEF**

19 **WHEREFORE**, having fully answered Plaintiffs' said Complaint, Defendants pray the
20 Court for the following relief:

- 21 1. That Plaintiffs' Complaint be dismissed with prejudice;
- 22 2. That Defendants be awarded their costs and reasonable attorney fees incurred
- 23 herein;
- 24 3. That Defendants be allowed to reserve the right to amend this Answer to assert

1 such cross-claims, counterclaims, and/or third-party claims as during the course of discovery
2 herein becomes proper;

3 4. For such other and further relief as may appear just and equitable in the premises.

4 DATED this 10th day of May, 2024.

5 MARY E. ROBNETT
6 Pierce County Prosecuting Attorney

7 s/ FRANK A. CORNELIUS
8 FRANK A. CORNELIUS, WSBA # 29590
9 Deputy Prosecuting Attorney / Civil
10 930 Tacoma Avenue South, Suite 946
Tacoma, WA 98402-2102
Ph: 253-798-6514 / Fax: 253-798-6713
frank.cornelius@piercecountywa.gov

11 **CERTIFICATE OF SERVICE**

12 On May 10, 2024, I hereby certify that I electronically filed the foregoing PIERCE
13 COUNTY DEFENDANTS' ANSWER TO PLAINTIFFS' FIRST AMENDED CLASS
ACTION COMPLAINT with the Clerk of the Court using the CM/ECF system which will send
notification of such filing to the following:

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